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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,788

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Sacha Felder

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/572,788	<b>Applicant(s)</b> FELDER ET AL.	
	<b>Examiner</b> Clark F. Dexter	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-4, 7-14 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 7-14 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The amendment filed on April 22, 2009 has been entered. The indicated allowability of the claims is withdrawn in view of the newly discovered reference(s) to Rice and Fox. Rejections based on the newly cited reference(s) follow. Any inconvenience caused by this Office action is regretted. Because the new grounds of rejection were not necessitated by applicant's amendment, this Office action is being made **non-final**.

#### ***Claim Objections***

2. Claims 2-4, 7-14 and 18-21 are objected to because of the following informalities:

In claim 18, line 7, "it" is not sufficiently clear as to what it refers, and it is suggested to simply delete "configured so that it is".

In claim 20, line 2, --A-- is missing before "power tool"; in line 7, "it" is not sufficiently clear as to what it refers, and it is suggested to simply delete "configured so that it is".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 2, the recitation “a guide” is vague and indefinite with respect to the “slanted surface” of claim 18 from which claim 8 depends.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 8, 9, 11, 13, 14, 18, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Rice, pn 3,949,817.

**Regarding claim 18 and the claims dependent therefrom,** Rice discloses a tool with every structural limitation of the claimed invention including:

a first operating switch (e.g., 5) for turning the power tool on and off, wherein the power tool includes a second operating switch (e.g., 7) for turning the power tool on and off, and wherein the first operating switch and the second operating switch are mechanically coupled with each other via a flexible connecting element (e.g., 26), further comprising a slanted surface (e.g., formed by and within 27), the flexible element being configured so that it is flexibly guided on the slanted surface;

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[claim 3] wherein the power tool includes a side handle (e.g., 23) and a top handle (e.g., 31), the first operating switch being located on the side handle, and the second operating switch being located on the top handle;

[claim 8] wherein the power tool includes a guide (e.g., as stated in claim 18, formed by and within 27) for the connecting element;

[claim 9] wherein the first operating switch is connected with an adjusting slide (e.g., 6), the adjusting slide converting a motion of the first operating switch into an electrical variable;

[claim 11] wherein the first operating switch and the second operating switch are each directly fastened to the flexible connecting element;

[claim 13] wherein engagement of either one of the first and second operating switches will turn on the tool;

[claim 14] wherein the flexible connecting element is curved and defines an obtuse angle (e.g., see the structure of 27 located below numeral 27 as viewed in Fig. 1);

[claim 19] wherein the slanted surface is curved, and the flexible connecting element is configured so that it is curved and flexibly guided on the slanted surface (e.g., see the structure of 27 located below numeral 27 as viewed in Fig. 1).

**Regarding claim 20 and the claim dependent therefrom,** Rice discloses a tool with every structural limitation of the claimed invention including:

a first operating switch (e.g., 5) for turning the power tool on and off, wherein the power tool includes a second operating switch (e.g., 7) for turning the power tool on and

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off, and wherein the first operating switch and the second operating switch are mechanically coupled with each other via a flexible connecting element (e.g., 26), further comprising a ramp (e.g., formed by and within 27), the flexible element being configured so that it is flexibly guided on the ramp;

[claim 21] wherein the ramp is curved and the flexible connecting element is configured so that it is curved (e.g., see the structure of 27 located below numeral 27 as viewed in Fig. 1) and flexibly guided on the ramp.

7. Claims 3, 8, 9, 11, 13 and 18 are are rejected under 35 U.S.C. 102(b) as being anticipated by Fox, pn 5,361,851 (hereafter Fox '851).

**Regarding claim 18 and the claims dependent therefrom**, Fox '851 discloses a tool with every structural limitation of the claimed invention including:

a first operating switch (e.g., 19) for turning the power tool on and off, wherein the power tool includes a second operating switch (e.g., 49) for turning the power tool on and off, and wherein the first operating switch and the second operating switch are mechanically coupled with each other via a flexible connecting element, (e.g., 48) further comprising a slanted surface (e.g., the inner guide surface of 51), the flexible element being configured so that it is flexibly guided on the slanted surface (i.e., the dynamics of operation with present at least some flexibility in 48);

[claim 3] wherein the power tool includes a side handle (e.g., 17) and a top handle (e.g., 41), the first operating switch being located on the side handle, and the second operating switch being located on the top handle;

[claim 8] wherein the power tool includes a guide (as stated in claim 18, the inner guide surface of 51) for the connecting element;

[claim 9] wherein the first operating switch is connected with an adjusting slide (e.g., connecting structure within the tool 11 to which 19 is attached, the adjusting slide converting a motion of the first operating switch into an electrical variable;

[claim 11] wherein the first operating switch and the second operating switch are each directly fastened to the flexible connecting element;

[claim 13] wherein engagement of either one of the first and second operating switches will turn on the tool;

[claim 19] wherein the slanted surface is curved, and the flexible connecting element is configured so that it is curved and flexibly guided on the slanted surface.

**Regarding claim 20 and the claim dependent therefrom**, Fox '851 discloses a tool with every structural limitation of the claimed invention including:

a first operating switch (e.g., 19) for turning the power tool on and off, wherein the power tool includes a second operating switch (e.g., 49) for turning the power tool on and off, and wherein the first operating switch and the second operating switch are mechanically coupled with each other via a flexible connecting element (e.g., 48), further comprising a ramp (e.g., the curved or ramped inner guide surface of 51), the flexible element being configured so that it is flexibly guided on the ramp (i.e., the dynamics of operation with present at least some flexibility in 48);

[claim 21] wherein the ramp is curved and the flexible connecting element is configured so that it is curved and flexibly guided on the ramp.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rice, pn 3,949,817.

Rice discloses a tool with almost every structural limitation of the claimed invention but lacks:

[claim 2] wherein the first operating switch and the second operating switch are positioned essentially at right angles to each other;

[claim 4 (from 3)] wherein the side handle and the top handle transition into each other, thereby essentially forming a right angle, the first operating switch and the second operating switch being located on opposing surfaces within this angle; and



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[claim 10] wherein the power tool is a jigsaw.

Regarding claims 2 and 4, the Examiner takes Official notice that it is old and well known in the art to orient handles at angles with respect to one another for various well known benefits including ergonomic benefits. Therefore, it would have been obvious to one having ordinary skill in the art to provide the extension handle of Rice at a right angle with respect to the chain saw handle (i.e., to provide the extension handle oriented horizontally rather than vertically) to gain the well known benefits including that described above.

Regarding claim 10, it would have been obvious to one having ordinary skill in the art to provide the disclosed extension handle on any of the various known hand tools including a jigsaw to gain the benefits taught by Rice including remote operation and control of the tool.

11. Claims 2, 4, 7, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox, pn 5,361,851 (hereafter Fox '851).

Fox '851 discloses a tool with almost every structural limitation of the claimed invention but lacks:

[claim 2] wherein the first operating switch and the second operating switch are positioned essentially at right angles to each other;

[claim 4 (from 3)] wherein the side handle and the top handle transition into each other, thereby essentially forming a right angle, the first operating switch and the second operating switch being located on opposing surfaces within this angle;

[claim 7] wherein the connecting element is made of sheet metal;

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[claim 10] wherein the power tool is a jigsaw;

[claim 12] wherein the flexible connecting element has a top end and a lower end and a first flat sheet surface and a second flat sheet surface, and wherein the first operating switch is fastened to the lower end, the second operating switch is connected to the top end, and both of the operating switches are fastened to the same flat sheet surface.

Regarding claims 2 and 4, the Examiner takes Official notice that it is old and well known in the art to orient handles at angles with respect to one another for various well known benefits including ergonomic benefits. Therefore, it would have been obvious to one having ordinary skill in the art to provide the extension handle of Fox '851 at a right angle with respect to the chain saw handle (i.e., to provide the extension handle oriented horizontally rather than vertically) to gain the well known benefits including that described above.

Regarding claim 10, it would have been obvious to one having ordinary skill in the art to provide the disclosed extension handle on any of the various known hand tools including a jigsaw to gain the benefits taught by Fox '851 including remote operation and control of the tool.

Regarding claims 7 and 12, the Examiner takes Official notice that sheet metal connecting members are old and well known in the art and provide various well known benefits including a material that is readily available, relatively inexpensive and easy to work with. Therefore, it would have been obvious to one having ordinary skill in the art

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to make some or all of the connecting element from sheet metal to gain the well known benefits including those described above.

### ***Response to Arguments***

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
July 24, 2009